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Selectmen's Minutes 09-26-2006

TOWN OF ARLINGTON BOARD OF SELECTMEN

Meeting Minutes
 Tuesday, September 26, 2006
 7:00 p.m.

Present: Mr. Greeley, Chair, Ms. LaCourt, Vice Chair, Mr. Hurd, Mrs. Mahon, and Ms. Rowe.
 Also present: Mr. Maher, Mr. Sullivan, Mrs. Krepelka, and Mrs. Sullivan.

It was agreed upon by all Selectmen that similar questions would be asked of each applicant.

These questions were decided upon:

Mrs. Mahon - minors and security to protect against problems

Ms. Rowe - abutter information

Ms. LaCourt - how much trouble the store has with shoplifting

Mr. Hurd - applicants experience and the store location

Mr. Greeley - parking issues and deliveries

Other questions would also be asked based upon presentations.

LICENSES & PERMITS - B&W PACKAGE STORE ONLY

1. Request: Radhe, Inc., d/b/a Peter Pan Superette

Nilesh Patel, Manager/ Co-Owner, 2 Park Avenue

Represented by Attorney Eugene Lucarelli

Mrs. Krepelka asked for a roll call vote:

Mrs. Mahon voted no

Ms. Rowe voted no

Mr. Greeley voted no

Ms. LaCourt voted no

Mr. Hurd voted no

Summary: the Selectmen voted no unanimously.

Ms. Carlene Hempel, 15 Park Avenue Ext., requested the Selectmen to vote in the negative for this neighborhood store for the following reasons:

-high amount of traffic and speed of traffic

-parking problems

-littering and trash problems

-package stores in close proximity (Lexington line)

-the neighborhood location of store

-small size of store making the store less convenience items and more Beer & Wine.

Ms. Dorothy Morine, 72 Park Avenue Ext., requested the Selectmen to vote in the negative because it is not a good place for the license-it's a terrible intersection a lot of activity and parking problems.

Ms. Dorothy Bowles, 25 Alpine St., requested the Selectmen to vote in the negative for the following reasons:

-traffic concerns

-it's a neighborhood store and it would not be good for the neighborhood and it would change the neighborhood for the worse.

2. Request: Atiqur Rahman, d/b/a Dagg's Deli
 Atiqur Rahman, Manager/Owner, 152 Massachusetts Avenue
 Mrs. Krepelka asked for a roll call vote:
 Mrs. Mahon voted no
 Ms. Rowe voted yes
 Mr. Greeley voted no
 Ms. LaCourt voted no
 Mr. Hurd voted no
 Summary: the Selectmen voted in the negative (1-4)
3. Request: DKPK, LLC, d/b/a A&A Market
 Davinder Sharma, Manager/Member, 1042 Massachusetts Avenue
 Represented by Attorney Carl Toumayan
 Mrs. Krepelka asked for a roll call vote:
 Mrs. Mahon voted no
 Ms. Rowe voted no
 Mr. Greeley voted no
 Ms. LaCourt voted no
 Mr. Hurd voted no
 Summary: the Selectmen voted no unanimously.
4. Request: 3 P Corp., d/b/a Easy Convenience Store
 Paresh Patel, Manager/Co-owner, 935 Massachusetts Avenue
 Represented by Attorney Robert Annese
 Mrs. Krepelka asked for a roll call vote:
 Mrs. Mahon voted no
 Ms. Rowe voted yes
 Mr. Greeley voted no
 Ms. LaCourt voted no
 Mr. Hurd voted no
 Summary: the Selectmen voted in the negative (1-4)
5. Request: K&J Variety, Inc., d/b/a K&J Variety
 Robert Thomas, Manager/Co-owner, 94 Summer Street
 Represented by Attorney John Leone
 Mrs. Krepelka asked for a roll call vote:
 Mrs. Mahon voted no
 Ms. Rowe voted yes
 Mr. Greeley voted no
 Ms. LaCourt voted no
 Mr. Hurd voted no
 Summary: the Selectmen voted in the negative (1-4)

The Selectmen's statements of reasons for denying licenses to the five applicants:

Mrs. Mahon stated that although she encourages and has a higher threshold for business in the Town she feels that allowing the sale of Beer & Wine in convenience store would change the character of the Town in a bad way. Mrs. Mahon would vote for package stores but not convenience stores selling Beer & Wine.

Ms. Rowe stated that she was in favor for convenience stores selling Beer & Wine and can relate to small business owners, being a small business owner also. Ms. Rowe voted for three applicants based on locations and that family members ran them. Ms. Rowe would have liked to have applicants of freestanding Beer & Wine/cheese shops but there were no applicants.

Ms. LaCourt stated that she made her decision of voting no by analysis of a chart with data, such as: lack of applicant experience, lack of partition/separation, lack of parking, and the general opinion that a convenience store was not a good place for the sale of

Beer & Wine.

Mr. Hurd stated that he voted no due to factors such as: lack of parking, proximity to neighborhoods, minors access to the products, and the fact that due to space constraints the stores would seem more like Beer & Wine stores that would be selling some convenience items rather than convenience stores. Mr. Hurd also feels that the spirit of the citizen's vote was for a free standing package store.

Mr. Greeley stated that he voted no to convenience stores being licensed because he feels the voters thought they were voting for free standing package stores when they voted last April. Mr. Greeley said all applicants tonight have convinced him that it should be a ballot question for the next Town Election in the spring of 2007 if Beer & Wine should be sold at convenience stores. Mr. Greeley also felt that if he approved convenience store licenses tonight he couldn't stop grocery stores licenses if it is voted approved in the November State Election. Mr. Maher stated that the Town has local jurisdiction over the licensing process.

Town Counsel, John Maher, stated that he would be drafting Statements of Reasons to the applicants and the ABCC. Mr. Maher advised that the process for future Beer & Wine Package Store License applications to be received and processed within the ABCC regulations.

6. Approval: One Day All Alcohol License, 10/7/06, Whittemore Robbins House

Melissa Murray

Mr. Hurd moved approval.

SO VOTED (5-0)

7. Appointment: Fire Station Study Committee

Owen R. Carrigan, 85 Sunset Rd., Board of Selectmen appointment

Mrs. Mahon moved approval.

SO VOTED (5-0)

8. Approval: Lions Club Eye mobile, 10/27, @ Town Hall

Benton Warren

Mr. Hurd moved approval.

SO VOTED (5-0)

NEW BUSINESS

Mrs. Mahon reminded everyone of the Fire Fighter's Retirement Dinner at the Sons of Italy on Friday night starting at 6:30 p.m. Mrs. Mahon, in light of discussions being held by the School Committee and Superintendent regarding the Stratton School status, requested the Selectmen vote to commit to stay with 7 neighborhood elementary schools and that it is a Town wide issue. Mr. Greeley stated it is a School side issue, but proposed getting all Town leaders together-Budget Revenue Task Force for a discussion. Ms. Rowe agreed the Selectmen should be involved and would like a plan on ways to help the schools on the waiting list for renovations. Ms. LaCourt stated she does support 7 neighborhood schools and that this must be put into a larger Town strategic plan to make it work.

The Selectmen agreed on Saturday, October 6th from 9:00 a.m. to 12:00 p.m. for a Goal Setting Workshop. Mr. Hurd suggested they 1) measure last year's goals, Selectmen and Town Manager and 2) set Selectmen's goals and Town Manager's goals for next year.

Mr. Hurd requested that the Board research and look into the resources being used to fill in for Traffic Supervisors.

Mr. Hurd reported that the Mass. Ave. corridor project was moving forward and has secured \$1.6 million grant through Congressman Edward Markey.

Mr. Hurd thanked Mr. Sullivan for the Technology report and reported that on the web page for Arlington you can sign up for the type of e-mails notices you would like.

Mr. Hurd requested for a future agenda item that a discussion regarding transportation/delivery issues on Park Avenue and to ask for reports from Transportation Advisory Committee and Lt. McHugh.

Mr. Greeley requested Mr. Sullivan to get reports from the Police, Fire, and T.A.C. to see if the Town could experiment with overnight and daytime parking, alternate sides as a trial.

Mr. Greeley wants safety issues to be addressed in a coordinated manner and to test in the winter during school and “real life”. The report should include an opinion with their recommendations for overnight and daytime opposite side of street parking.

Ms. LaCourt requested that an ITAC recommendation for the Director of IT be an agenda item at the October 23rd meeting. It was discussed that in order to change the reporting from the Selectmen to the Town Manager it would require a change in the Town Manager Act.

Mrs. Mahon moved to adjourn at 10:00 p.m.

SO VOTED (5-0)

A True Record: Attest:

Marie A. Krepelka
Board Administrator